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SENATE BILL 535

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Mark Boitano

AN ACT

RELATING TO CHARTER SCHOOLS; CHANGING THE DATES FOR RENEWAL OF CHARTERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-8B-12 NMSA 1978 (being Laws 1999, Chapter 281, Section 12) is amended to read:

"22-8B-12. CHARTER SCHOOLS--TERM--RENEWAL OF CHARTER--
GROUNDS FOR NONRENEWAL OR REVOCATION.--

A. A charter school may be approved for an initial term of five years. A charter may be renewed for successive periods of five years each. Approvals of less than five years can be agreed to between the charter school and the local school board.

B. No later than [~~January~~] July 1 of the fiscal year [~~prior to the year~~] in which the charter expires, the

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1 governing body [~~of a charter school~~] may submit a renewal
2 application to the local school board. The local school board
3 shall rule in a public hearing on the renewal application no
4 later than [~~March~~] September 1 of the fiscal year in which the
5 charter expires, or on a mutually [~~agreed~~] agreed-upon date.

6 C. A charter school renewal application submitted
7 to the local school board shall contain:

8 (1) a report on the progress of the charter
9 school in achieving the goals, objectives, student performance
10 standards, [~~state board~~] the department's minimum educational
11 standards and other terms of the initial approved charter
12 application, including the accountability requirements set
13 forth in [~~Section 22-1-6 NMSA 1978~~] the Assessment and
14 Accountability Act;

15 (2) a financial statement that discloses the
16 costs of administration, instruction and other spending
17 categories for the charter school that is understandable to the
18 general public, that will allow comparison of costs to other
19 schools or comparable organizations and that is in a format
20 required by the [~~state board~~] department;

21 (3) contents of the charter application set
22 forth in Section [~~8 of the 1999 Charter Schools Act~~] 22-8B-8
23 NMSA 1978;

24 (4) a petition in support of the charter
25 school renewing its charter status signed by not less than

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1 sixty-five percent of the employees in the charter school; and

2 (5) a petition in support of the charter
3 school renewing its charter status signed by a majority of the
4 households whose children are enrolled in the charter school.

5 D. A charter may be revoked or not be renewed by
6 the local school board if the board determines that the charter
7 school did any of the following:

8 (1) committed a material violation of any of
9 the conditions, standards or procedures set forth in the
10 charter;

11 (2) failed to meet or make substantial
12 progress toward achievement of the [~~state board~~] department's
13 minimum educational standards or student performance standards
14 identified in the charter application;

15 (3) failed to meet generally accepted
16 standards of fiscal management; or

17 (4) violated any provision of law from which
18 the charter school was not specifically exempted.

19 E. If a local school board revokes or does not
20 renew a charter, the local school board shall state in writing
21 its reasons for the revocation or nonrenewal.

22 F. A decision to revoke or not to renew a charter
23 may be appealed by the governing body [~~of the charter school~~]
24 pursuant to Section [~~7 of the 1999 Charter Schools Act~~] 22-8B-7
25 NMSA 1978."

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